IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, CIVIL JURISDICTION

WRIT PETITION NO.5723 OF2005

Neeta Digambar Sitaprao ..Petitioner
Vs.
State of Maharashtra & Ors. ..Respondents

Mr. R.K. Mendadkar, for the Petitioner
Mr. R.D. Rane, Government Pleader for Respondent No.1 and 2.
Mr. A.J. Bhor for Respondent NO.3.

CORAM: F.I. REBELLO & DR.D.Y.CHANDRACHUD, JJ,
DATE :5th September,2005

P.C.

. The petitioner was selected to the post of teacher in 1995. The appointment, however, was subject to the petitioner producing the caste validity certificate. That certificate was issued only in the year 2000. The petitioner thereafter represented to the respondent for appointing him to the post to which he was selected. The respondent Corporation by letter dated 27th June, 2003 intimated the petitioner that considering that the strength of students in Marathi medium school has decreased and the strength of the teachers in Marathi medium school has become surplus it was not possible to give appointment to the petitioner.

2. By virtue of selection what the petitioner has is a right to be considered. In the instant case the respondents have intimated that on account of surplus teachers in the Marathi medium school it is not possible to give appointment to the petitioner. It cannot be said that the said decision is arbitrary. Consequently, no interference is called for.

Petition rejected.

(F.I. REBELLO, J.)

(DR. D.Y. CHANDRACHUD, J.)